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# Kids, Vaccines and Autism: Will a New Legal Strategy End the Decades-long Battle for Truth and Justice?

*The Vaccine Injury Compensation Program denied compensation to 5,000-plus families of children diagnosed with autism after receiving vaccines. More than 10 years later, new revelations of fraud in legal proceedings could reopen the possibility for the justice these families say they were denied.*

By Brenda Baletti, Ph.D.

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When the parents of Yates Hazlehurst took their normal, happy 11-month-old to the doctor on Feb. 8, 2001, for an ear infection, the clinic gave Yates his 12-month shots — the measles, mumps and rubella (MMR), Prevnar, Haemophilus influenzae type b (Hib), and Hepatitis B vaccines — even though Yates had an ear infection and was not yet quite 1 year old.

Twelve days later, Yates developed a high fever, rash and vomiting. In the months that followed, he stopped speaking in meaningful language, became obsessed with numbers and letters and his behavior became erratic and difficult to contain.

He also developed physical health problems, including gastrointestinal issues and different infections.

On June 3, 2002, after many doctor visits, a psychologist diagnosed Yates with autism spectrum disorder.

Dr. Jean-Ronel Corbier, the neurologist who evaluated Yates and diagnosed him with "regressive autism," theorized Yates' autism was a response to the MMR vaccine.

Dr. Andrew Zimmerman, a pediatric neurologist at the Center for Autism and Related Disorders at Johns Hopkins' Kennedy Krieger Institute, tested Yates for a mitochondrial disorder that he thought might have made Yates vulnerable to vaccine-induced regressive autism, particularly when vaccinated while ill.

After they learned that Yates' condition was vaccine-related, the Hazlehurst family in 2003 filed a claim with the National Vaccine Injury Compensation Program (VICP), which adjudicates vaccine injury claims.

Also known as the "vaccine court," the program was designed by Congress in 1986 to address the risks of "unavoidably unsafe" vaccines by both insulating vaccine manufacturers from liability for vaccine injuries and compensating families whose children are injured by vaccines.

Although they didn't realize it at the time, the Hazlehursts' story was nearly identical to that of thousands of families across the country, whose once healthy children quickly descended into silence or erratic behavior and severe physical illnesses that often accompany autism following their childhood vaccines — either thimerosal/mercury-containing vaccines or the MMR vaccine.

Many parents filed claims with the vaccine court, seeking financial resources to pay for their children's medical bills and lifetime care.

By 2002, the number of families filing claims with the VICP alleging vaccine-induced autism had increased exponentially from the beginning of the program.

To deal with this massive influx of claims, the Office of Special Masters combined what would become 5,000-plus claims into the Omnibus Autism Proceeding. The program selected six "test cases" to determine whether vaccines cause autism and, if so, under what conditions.

Yates' case was the second test case.

The omnibus dragged on for almost 10 years. During that time, families and autism advocacy organizations fought for access to government information — which was never forthcoming — on vaccine safety and side effects, did their own scientific research, sought experts to inform their cases, combined resources to keep the cases going, and fought a public relations battle with a national media that eventually turned against them.

Simultaneously, the public health agencies and the vaccine court itself covered up data showing that vaccines can cause autism. The chief special master presiding over the proceedings, the media, Big Pharma and the U.S. Supreme Court opined that a win for the families in the omnibus would risk public confidence in vaccines and threaten to bankrupt the compensation fund.

In 2009 and 2010, the proceedings ended when the vaccine court rejected the plaintiffs' medical theories about how vaccines cause autism and dismissed all six "test case" claims and subsequently, all of the cases pending in the omnibus.

The U.S. Court of Appeals for the Federal Circuit upheld the decisions upon review in the two cases that appealed, including Yates' case.

Those decisions, and the Supreme Court decision in the Bruesewitz v. Wyeth case that followed in 2011, effectively closed the door to the thousands of families seeking compensation to help with the astronomical costs of raising their children living with vaccine-induced autism.

A simultaneous smear campaign in the media transformed their public perception from "sympathetic families" to "crazy conspiracy theorists" as Rebecca Estepp, the mother of a child with autism and a petitioner in the omnibus told The Defender.

But a new legal action filed by Rolf Hazlehurst, the senior staff attorney for Children's Health Defense (CHD) and Yates' father, could reopen the omnibus proceedings, overturn the ruling in Yates' case and perhaps even find the National Childhood Vaccine Injury Act of 1986 unconstitutional if Hazlehurst's motion prevails.

After years of investigation — and a key revelation by one of the key expert witnesses for the government who said his opinion was suppressed and misrepresented — Hazlehurst compiled evidence that he alleges shows the U.S. Department of Justice (DOJ) attorneys who represented the U.S. Department of Health and Human Services (HHS) in vaccine injury cases repeatedly defrauded the judicial system — from the VICP to the U.S. Supreme Court.

That fraud led to thousands of families of vaccine-injured children being denied the right to compensation and the right to have their cases heard, according to the motion.

"Watching my child regress into autism due to vaccine injury was horrible for me, my family and our son," said CHD Executive Vice President Laura Bono.

"Learning that his claim in vaccine court was fraudulently dismissed literally added insult to injury. The injustice to the thousands of children in the Omnibus Autism Proceeding and those who have been injured since — along with their suffering families — cannot be overstated."

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**'The censorship machine went right to work'**

By the early 1990s, autism rates had begun to rise and parents whose children had regressed into autism after vaccination were starting to connect through the internet, creating chat groups to share their experiences and theories about how the vaccines harmed their children, doing research and speaking out in public — and confronting the public health agencies and the pharmaceutical companies.

At the time, autism prevalence rates were estimated to be about 1 in 1,000 children — up from 4.5 in 10,000 in the 1960s. Today, that rate is 1 in 36.

The Centers for Disease Control and Prevention (CDC) attributed the rise in prevalence to better reporting and diagnostics. However, many researchers take issue with this argument, pointing out that most cases are clustered in recent generations of children.

As parents began to speak out and confront public health agencies and Big Pharma, the country was listening, Bono told The Defender.

Parents were invited to speak in congressional hearings on the issue. Emmy award-winning local and national television news segments, magazines and newspapers discussed the soaring rates of autism and its possible link to vaccines. They told the families' stories and criticized the government for its lacking support for parents and researchers investigating the issue.

Celebrity parents like Jenny McCarthy appeared on "The Oprah Winfrey Show" discussing the link between vaccines and autism. New York Times contributing author David Kirby wrote an acclaimed book, "Evidence of Harm: Mercury in Vaccines and the Autism Epidemic: A Medical Controversy," in 2005 on the parents' story that was set to become a feature film from Participant Media produced by Nick Wechsler and Ross Bell.

Estepp, who has also long advocated for families navigating autism and the omnibus proceedings, told The Defender she was interviewed hundreds of times by sympathetic journalists.

Rita Shreffler, also the mother of a child with autism and former executive director of the National Autism Association, said that at the time, press releases drafted by autism organizations with news or scientific findings linking vaccines and autism were regularly posted on national press release sites like PR Newswire.

"It was everywhere," Bono said. "People were listening, and they got it. We were dealing with the media and it was making sense to them, and we were getting great feedback as the lawsuits were going forward."

However, Bono said, as the omnibus hearings got underway, everything changed.

> "The censorship machine went right to work. The movie David Kirby announced was shut down by Participant and we couldn't get the rights back and [when he finally did after five years] no film company would touch it.
>
> "The Omnibus Autism Proceeding was over, and autism was deemed not due to vaccines … Parents stopped being able to get media interviews."

Today, most of the former press releases, news articles and videos cannot even be located online. Search engine searches about the relationship between vaccines and autism link to pages of news stories proclaiming definitively that no such link exists and "the science" is settled.

**Covering up evidence of vaccines' dangers**

As parents' concerns gained traction in the mid-90s, public health institutions launched their own research into the connection between vaccines and neurodevelopmental disorders, including autism and attention-deficit/hyperactivity disorder or ADHD — studies that would become the basis for denying a link between vaccines and autism.

In 1999, the U.S. Food and Drug Administration (FDA) concluded a risk assessment of thimerosal in vaccines and found no "evidence of harm." Yet, despite those findings, the American Academy of Pediatrics and the CDC issued a statement calling for thimerosal to be removed from vaccines "as soon as possible."

By the end of 2001, thimerosal could no longer be used in vaccines administered to children under age 6, except for the flu vaccine — although vaccines already produced with thimerosal stayed on the shelves.

The Institute of Medicine also published a series of reports, finalized in 2004, that purported to survey the scientific literature and found the evidence favored "a rejection of the claim of a causal relationship" between thimerosal-containing vaccines or MMR vaccines and autism.

However, while those studies were ongoing, in 2000, the CDC brought together vaccine makers and the public health officials who regulate, mandate and distribute vaccines behind closed doors at the Simpsonwood Retreat and Conference Center in Norcross, Georgia.

Transcripts from the Simpsonwood meeting revealed they discussed a link between mercury-based thimerosal in vaccines and brain injuries, including autism, and debated strategies for keeping the information from the public.

The CDC in 2004 published a study in Pediatrics finding no risk of autism from the MMR vaccine. Ten years later, a CDC senior scientist, Dr. William Thompson, invoked federal whistleblower status to release the raw data sets that he said the CDC ordered him to conceal.

That data showed that African American boys who received the MMR vaccine before age 3, as the CDC recommends – were 3.36 times more likely to receive an autism diagnosis than those who received the vaccine after 3 years of age.

**How the 'vaccine court' fails parents and children with autism**

Many parents early in the epidemic were unaware there was a national program to shield manufacturers and compensate families whose children had been injured by vaccines.

The VICP or "vaccine court," was established when Congress passed the National Childhood Vaccine Injury Act of 1986.

Congress passed the law in response to a previous crisis around Wyeth's (now Pfizer's) diphtheria-tetanus-pertussis (DPT) vaccine. In the late 1970s and 1980s, serious and widespread concern grew about the safety of the shot, because many children were suffering seizures, serious brain injury or death following DPT vaccination.

Between 1980 and 1986, people claiming vaccine injury brought over $3 billion worth of damage claims to U.S. civil courts against vaccine manufacturers, most of which were for the DPT vaccines.

After lawsuits against Wyeth revealed the company knew of the risks, juries began authorizing large payouts to some DPT-injured children — which threatened to bankrupt the vaccine insurance industry, as manufacturers began to exit the industry.

The publicity also generated public concerns about vaccine adverse events.

By 1985, only four vaccine makers remained to produce the vaccines that all states had mandated in 1981, and Congress anticipated a vaccine supply crisis.

Parents of children injured by the DPT vaccine also began organizing in a national nonprofit called Dissatisfied Parents Together (now the National Vaccine Information Center) to demand safer vaccines and a system to compensate families of injured children.

In 1986, Congress passed the law, giving the pharmaceutical industry broad protection from liability and creating a framework to compensate children injured by compulsory vaccines through a no-fault administrative system, on the premise that vaccines were important for public health but also "unavoidably unsafe."

A report that accompanied the act and explained its intentions indicated that Congress intended to generously compensate the victims of vaccine injury, ensure the vaccine supply and improve vaccine safety.

Awards for vaccine injuries are paid out from a fund generated by a small surcharge on each vaccine.

The VICP is administered by HHS with court-appointed "special masters" — typically lawyers who previously represented the U.S. government — who manage and decide the individual claims.

The U.S. Court of Federal Claims appoints special masters who serve four-year terms. Attorneys may represent the petitioners, and the DOJ represents HHS.

VICP proceedings are more informal than a typical courtroom. In the so-called "vaccine court" there is no judge or jury, and the rules of evidence, civil procedure and discovery do not apply.

Entitlement to compensation is based on the Vaccine Injury Table — the list of vaccines, known associated injuries and the time periods in which they must occur.

If a petitioner suffers a known injury within the short period prescribed by the table, it is presumed that a vaccine caused the injury. The petitioner is then eligible for compensation without proof of causation. This is called a "table injury"

However, if a petitioner files for an "off-table injury" — an injury not listed on the table or that didn't manifest within the specified time frame — the petitioner must prove by "a preponderance of evidence" that the vaccine caused the injury. Evidence includes medical records and expert witness testimony.

Claims must be filed within three years of the first symptom or two years of death. This timeline poses a major challenge to many families, Estepp told The Defender. Three years isn't from the time of diagnosis — it is from the onset of symptoms. That means "any notation a pediatrician makes in a medical chart can start the clock, even without parents' knowledge," she said.

Bono said that excludes many families like hers — who didn't even know about the program until much later — from ever receiving compensation.

And even if they make their claims on the required timeline, proving an off-table injury is difficult. Petitioners must provide a medical theory of the cause, a sequence of cause and effect, and show a temporal relationship between vaccine and injury. And whether they can do so with the proper "preponderance of evidence" is up to the special master alone to decide.

Autism is not listed on the vaccine injury table.

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**The Omnibus Autism Proceeding: 'They wiped us off the map'**

In 2002, the Office of the Special Masters established the Omnibus Autism Proceeding to address the claims brought by parents who believed the MMR vaccine, thimerosal-containing vaccines or a combination of both caused their children's autism.

The omnibus settled on a method where it would apply the findings of six test cases selected by a Petitioners Steering Committee to other similar cases. The hearings did not begin until in 2007, five years after the omnibus was convened.

Estepp contends that the cases took years partly because the DOJ and HHS consistently fought the petitioners' lawyers' attempts to access basic information, like governmental records and data on vaccines and adverse events.

For example, they refused petitioners access to the CDC's Vaccine Safety Datalink, where the agency tracks vaccine injuries.

In the first test case, Cedillo v. HHS, Michelle Cedillo's parents reported that Michelle developed normally until 16 months of age when she was diagnosed with "severe autism and profound mental retardation," along with other health issues after receiving the MMR vaccine.

In the Cedillo case, Zimmerman had worked with the DOJ to prepare an expert report on behalf of HHS, finding that Michelle's autism had likely not been caused by the MMR vaccine.

Zimmerman later wrote in a 2018 affidavit that he attended the Cedillo hearing and listened to the testimony of Dr. Marcel Kinsbourne, another world-renowned expert in pediatric neurology.

On that basis, Zimmerman stated, he decided to clarify his written expert opinion about Michelle, concerned it would be taken out of context.

Zimmerman spoke with DOJ attorneys to clarify that his expert opinion in the Cedillo case "was not intended to be a blanket statement as to all children and all medical science," according to the 2018 affidavit.

He specified that advances in science, medicine and his own clinical research had led him to believe there were exceptions in which vaccinations could cause autism.

He also referred the attorneys to a paper he published with colleagues in 2006, in the Journal of Child Neurology, often called the Poling paper, describing the case of an unidentified child who suffered regressive autism following vaccine adverse reactions. The paper suggested a possible association between mitochondrial dysfunction, vaccinations and regressive autism.

After communicating this evidence to DOJ attorneys, the DOJ dismissed Zimmerman as a witness but continued to use his written opinion as general causation evidence in subsequent cases, including Yates' case, which was the second test case.

Yates' treating neurologist, Dr. Jean-Ronel Corbier testified Yates' autism was likely caused by a genetic predisposition combined with an environmental insult in the form of vaccinations administered when Yates was ill — a theory of causation similar to the theory developed by Zimmerman in the Poling paper, which he shared with DOJ attorneys.

Yet, despite knowing Zimmerman had concluded that in a subset of children like Yates, vaccines could cause autism, the DOJ "intentionally and fraudulently" misrepresented Zimmerman's expert testimony in its closing statements in Yates' case, Hazlehurst alleges.

The special masters continued to hear the cases. They took over two years to issue their decisions.

In the end, the special masters ruled that the causation theories offered in all cases were not convincing. They denied the claims of all of the test cases and consequently to all of the families in the omnibus.

The decisions in the first three of the six test cases were based on the misrepresentation of Zimmerman's testimony — but the petitioners did not know about the alleged fraud until many years later.

Estepp said that in their written decisions, the special masters went beyond simply denying the claims. "They maligned the petitioners' expert witnesses and the families," she said.

For example in the Cedillo case, Special Master George Hastings wrote, "Unfortunately, the Cedillos have been misled by physicians who are guilty, in my view, of gross medical misjudgment."

"Gross medical misjudgment" was quoted in most articles The Defender located on the judgment, including the Wikipedia entry.

Hastings, a former tax claims expert with no medical background made similar comments in another test case, Mead v. HHS in March 2010.

"How can he tell you what gross medical misjudgment is as a tax attorney?" Estepp asked. "It's disingenuous." She said it was part of a long-term practice of smearing doctors who made claims linking vaccines and autism.

In another one of the test cases, Special Master Denise Vowell wrote, "To conclude that Colten's condition was the result of his MMR vaccine, an objective observer would have to emulate Lewis Carroll's White Queen and be able to believe six impossible (or, at least, highly improbable) things before breakfast."

"They maligned any expert witness, and it sent a signal to any doctor or any expert in the country: You testify for these kids and your career is over," Estepp said "So they didn't have to do anything procedurally. They found a way to win because ultimately the cases lost because there were not enough experts willing to testify for our kids."

"They were horrible to every single family," Bono said. "They poisoned an entire generation. And the ones who stepped forward to say 'this happened, we've got the reports and we're willing to fight for it,' they corralled us and shut it all down."

HHS used the omnibus hearings to make it seem as if they had fully considered the evidence, Bono said. "They wiped us off the map."

**Fear that compensating the injured might weaken public confidence in vaccines**

While the omnibus proceedings were ongoing in 2008, Chief Special Master Gary Golkiewicz addressed the Advisory Commission on Childhood Vaccines on policy concerns related to vaccines.

He told the commission he was concerned with "protecting the vaccine's integrity … that is that vaccine[s] do [] not cause every injury that follows immunization." He contended that generous remuneration to vaccine-injured petitioners might weaken public confidence in vaccines.

"It is clear from this address that special masters feel the pressure between compensating vaccine-injured petitioners and sustaining public confidence in vaccines," according to an article on the proceedings in Hofstra Law Review.

Many scholars also speculated that if Cedillo were compensated, it would have a "disastrous impact on the future of the VICP," and likely raised concerns for the special masters that a positive outcome for Cedillo and other cases in the omnibus would drive public fear of vaccines and lower vaccination rates.

They were also aware that finding no causal link between vaccines and autism in such a highly publicized case would "bolster public confidence and provide reassurance that the vaccines were safe."

People were also concerned that if the autism cases were compensated, the fund that was used to compensate claims would go bankrupt. If they weren't compensated, there could be a serious possibility that civil lawsuits against manufacturers would begin again.

The strong language in the special masters' rulings helped to preclude that, but so did the ruling in the Bruesewitz v. Wyeth case.

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**Bruesewitz v. Wyeth: the Supreme Court protects the vaccine market**

In the very same month that the final omnibus decisions were being rendered, the U.S. Supreme Court announced it would hear the Bruesewitz v. Wyeth case, to decide whether the National Childhood Vaccine Injury Act protects vaccine manufacturers from lawsuits in state court seeking damages for design defects, where the design of the drug itself makes it dangerous to consumers.

The high court agreed to hear a Pennsylvania case involving a lawsuit by the parents of Hannah Bruesewitz, who suffered seizures and developmental issues after taking the DPT vaccine in 1992.

The vaccine court didn't compensate Hannah's parents, so they sued the vaccine manufacturer, Wyeth (now Pfizer) in state court in Pennsylvania — one of the few avenues open to parents who wanted to sue vaccine makers.

In its majority ruling, the court interpreted the National Childhood Vaccine Injury Act of 1986 to shield Big Pharma with full immunity from liability for vaccine injuries by ruling that people could no longer sue vaccine makers for injuries caused by "design defects."

The ruling prohibits essentially all vaccine injury lawsuits against Big Pharma.

In a scathing dissenting opinion, Justice Sonia Sotomayer, joined by Justice Ruth Bader Ginsburg, accused the court of imposing its own policy preferences, misconstruing the Act and disturbing "the careful balance Congress struck between compensating vaccine-injured children and stabilizing the childhood vaccine market."

Sotomayer noted that as Bruesewitz was argued, there were 5,000 petitions alleging a causal link between some vaccines and autism spectrum disorder and that Wyeth/Pfizer argued that if the court did not find in its favor, it "could unleash a 'crushing wave' of tort litigation that would bankrupt vaccine manufacturers and deplete vaccine supply."

"This concern underlies many of the policy arguments in respondent's brief and appears to underlie the majority and concurring opinions in this case." She also noted, "Manufacturers, given the lack of robust competition in the vaccine market, will often have little or no incentive to improve the designs of vaccines that are already generating significant profit margins."

**How many cases has the government secretly paid out?**

Although the vaccine court, the U.S. Court of Appeals and the public health agencies denied a link between vaccines and autism, before and during the omnibus, the program compensated several vaccine injury claims for children with autism.

Most widely publicized was the case of Hannah Poling. Poling was the subject of a study co-authored by Zimmerman linking her autism to vaccines, which the study found exacerbated an underlying mitochondrial condition — the same diagnosis given to Yates.

In 2007, just three weeks after the lead DOJ attorney misrepresented Zimmerman's opinion during the hearing in Hazlehurst, the same DOJ attorney submitted a report to the special masters conceding that in the case of Poling v. HHS, Hannah's "regressive encephalopathy with features of autism spectrum

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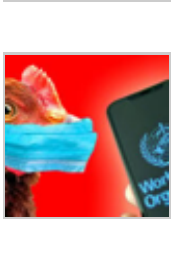

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disorder" (i.e., regressive autism) was caused by a vaccine injury, based upon a preponderance of the evidence standard.

In other words, the government conceded that Hannah's autism was an "off-table injury."

When the Polings sought to make the judgment public, the DOJ opposed their motion and amended the report to change the basis of Hannah's injury to a table injury.

By conceding the case, the DOJ was able to remove Hannah's case from the omnibus — court documents show her case was going to be designated a test case — and also conceal the original finding that vaccines caused her autism.

A 2011 article in Pace Environmental Law Review showed the VICP compensated approximately 1,300 cases of childhood brain injury. In 83 of the cases, the child had autism.

The authors of the study said the program compensated children with autism when the compensation was sought for symptoms associated with autism, like "encephalopathy" or "residual seizure disorder," but not for autism itself.

The study authors said at the time that their research was the "tip of the iceberg" and that they believed the government quietly settled hundreds of autism cases.

**The media counteroffensive**

Bono said that it was around 2009, while the omnibus was in progress, that the media narrative turned against the families. HHS Secretary Kathleen Sebelius told journalists that if they covered the story, they were basically "killing children" Bono said.

Sebelius attracted media attention during the COVID-19 pandemic period because she advocated for limitations on freedom of movement for the unvaccinated, whom she likened to drunk drivers.

It was around that time that Dr. Peter Hotez, also the parent of a child with autism, began his public attacks on parents, journalists and scientists concerned with a link between vaccines and autism.

Dr. Paul Offit, in a New England Journal of Medicine article, lambasted the VICP for compensating Hannah Poling's family. He later wrote, "Deadly Choices: How the Anti-Vaccine Movement Threatens Us All," contending that parents who decided not to vaccinate their children are harming others.

But these men who led the attacks have serious conflicts of interest. Both are vaccine developers and patent holders. Offit voted as a member of the CDC's vaccine advisory committee to add the rotavirus vaccine — for which he holds a patent — to the CDC's Vaccines for Children Program. He was also paid by the pharmaceutical industry to "travel around the country and teach doctors that vaccines are safe," according to the transcripts of a U.S. House of Representatives hearing on conflicts of interest and vaccine development.

After the omnibus and the Bruesewitz decision, Bono said, media covering the neurological effects of vaccines "just shut down." "We couldn't write op-eds," she said. "You couldn't even get a reporter to call you back."

Rolling Stone retracted Robert F. Kennedy Jr.'s "Deadly Immunity" article about thimerosal in vaccines in January 2011, six years after it was published, without identifying any factual errors material to the article's argument.

Then, she said, the science started getting retracted. In 1998, British doctor Andrew Wakefield published a study in The Lancet linking autism to the MMR vaccine. The journal retracted the paper 12 years later, alleging Wakefield had not reported a conflict of interest.

Articles in the press today consistently dismiss people linking vaccines and autism as "anti-vaxxers" and conspiracy theorists — for example, Rolling Stone's "Guide to 17 Anti-Vaccination Celebrities," which mocks people like Jim Carey or criticizes others like Robert DeNiro, and Mother Jones' "How Oprah helped Spread Anti-Vaccine Pseudoscience."

And that playbook has been used again and again to discredit anyone asking questions about vaccines, Bono said.

The "Gardasil Girls" — girls and women who shared their stories about injury from the human papillomavirus (HPV) vaccines — had their videos taken down. Journalist Katie Couric, who covered their story, was forced to publicly apologize for featuring the Gardasil controversy on her show "Katie."

And despite widespread evidence that the public health agencies, the press and scientists misled the public about the "safety and efficacy" of the COVID-19 vaccines, those raising questions about the vaccines have consistently been smeared.

**Government needs to 'tell the truth about what happened' to these children**

However, many parents who argue they were denied justice in the omnibus told The Defender they hope the motion filed by Hazlehurst this month could change that.

Hazlehurst compiled evidence alleging that starting with the misrepresentation of Zimmerman's testimony, DOJ attorneys repeatedly defrauded the judicial system — from the National Vaccine Injury Compensation Program to the U.S. Supreme Court.

According to the motion, the DOJ's first act of fraud snowballed into a scheme of deception with far-reaching implications in which DOJ attorneys repeatedly misrepresented Zimmerman's opinion and concealed other evidence that emerged during the test case hearings in the omnibus in subsequent cases before multiple courts.

Hazlehurst said he is "asking the court to give this motion the serious attention it deserves. At a minimum, the court should allow discovery and hold a hearing on this motion."

Overturning a ruling due to fraud on the court is an extraordinary remedy reserved for extraordinary cases. But according to Hazlehurst, "This motion we filed shows that this indeed is an extraordinary case."

Hazlehurst said that by forcing people injured by vaccines into an administrative program, petitioners are deprived of the basic constitutional rights to due process and equal protection under the law. "It should be declared unconstitutional," he said.

Bono said she hopes the legal action marks an important step toward ending an unjust system and the power of Big Pharma — not only for families of children with vaccine-induced autism but for the good of all children.

"Our government needs to finally step up to the plate, tell the truth about what happened to these vaccine-injured children, and dismantle a rogue system that answers to Pharma instead of to the children it's supposed to protect."

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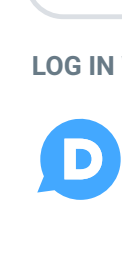

**Brenda Baletti, Ph.D.**

Brenda Baletti, Ph.D., is a senior reporter for The Defender. She wrote and taught about capitalism and politics for 10 years in the writing program at Duke University. She holds a Ph.D. in human geography from the University of North Carolina at Chapel Hill and a master's from the University of Texas at Austin.

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a day ago
The judges, like most people today are so corrupted by self worship and greed. I was thinking about what careers I would never be able to work in and I realized that I wouldn't be able to work for most corporations today except for Chewy. Seriously. I refuse to work in banking and finance, I could never be a real estate developer, couldn't be an attorney, I could never work in medicine or health sciences, I couldn't work as a veterinarian, couldn't work in technology, couldn't work for most environmental engineering firms, definitely wouldn't work for the government. For me, finding a job would be a real challenge for moral and ethical reasons. Thankfully, I'm self employed and doing good things in the world but I often think about what it would be like to get up every day and go to work for an industry that lies, preys on consumers with marketing gimmicks, fear, guilt, desperation and unhealthy temptations (gambling, alcohol, junk food, sex, violence, porn).
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**nick quinlan**
2 days ago
Very good article.
The corruption and pure evil that makes up the entire vaccine agenda , is a long running crime against children, and humanity, aided all the way by a criminally corrupt, fascist government.
It's all very sickening what our government has devolved into, while captured completely by this purely evil, diabolical industry from hell.
There is no recovery from this kind of government betrayal.
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Thank you for presenting a thorough history on this important issue. I hope the fraud case succeeds in unlocking, this decades old log jam.
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**lakewoodsteve**
2 days ago
Check out the, Who Killed Baby Alan Yurko medical murder, & evil prosecution story! A life sentence for dad! The worst nightmare of every young child's parents was experienced by Alan and Francine Yurko on November 24, 1997. Alan rushed their ten-week-old son, Alan Jr., to an Orlando, Florida hospital after noticing he had stopped breathing. (After receiving per mature vaccines in baby Alan, to treat a high fever.) Then the story gets sicker as it went along! It was like a sick, Three Stooges comedy! Stooge M.E. & evil prosecutor made the vaccine & justice fail story of a life time! It would make a good T.V. movie, Dad finely got some "justice" in the end, by his life was shot! Check it out! Very educational!
7 0 Reply

**terryparkerjr**
2 days ago edited
What about addressing further vaccine injury in respect to seizure disorder? During this recent pandemic we learn that inoculations cause seizure disorder, something that our parents were not informed of during the 60's, when thousands of children were admitted for seizure disorder and subjected to pharmaceuticals that had adverse effects of seizures and further exploitation of non-consensual classified brain surgical experimentation, involving lobotomy, lobectomy, brain tissue transplants, and metallic implants, having no bearing on treating seizure disorder. How can any parent protect their child, when denied informed consent, and the risks outweigh any benefit? Without informed consent, this constitutes criminal assault and battery. More repugnant, on how our Epilepsy Associations are complicit with this crime against humanity, when failing to act in good faith for those suffering seizure disorder as a result of vaccine injury. The inoculations in the 60's deprived myself and others, a right to attend school, college, and employment, when seizure disorder was not allowed in education institutions and workplace. I am horrified by the hidden child abuse and unethical Nuremberg Code violations, that have destroyed my life, and God knows how many others. No doubt, vaccines are the most dangerous substance to impose upon a human subject, which opens the door to further exploitation, human suffering, and death. We can no longer trust a medical profession, which has no regard for quality of life, and informed consent. We need transparency and accountability, we need another
see more
7 0 Reply

**CastleConnell** → terryparkerjr
2 days ago
This will be a slow process to reverse, Pharma needs to be held liable for harms, and they have the money to fight tooth and nail to protect themselves. The courts do need to step up, 'the end does not justify the means,' and pharma is defining the goal of getting as many kids vaccinated as possible. The courts need to understand the low risk in western countries and prohibit mandates for shots to attend school. That would allow healthy children to continue developing without regression. Too many Judges don't understand biology and are brainwashed themselves and believe vaccines are generally benign, and they minimize the advantages of natural immunity. We cannot look at vaccines for kids in third world countries the same as here, yet we do. When kids are starving, and have deficiencies, they may not survive the infection.
5 0 Reply

**terryparkerjr** → CastleConnell
2 days ago
I see no excuse whatsoever, to impose a substance that is more detrimental, than beneficial, and present life time injury and harm. With all of the deception and fraud that has taken place, it is an illusion to believe that inoculations are safe, when in reality, many agree that they are nothing more than a bio-weapon. The Vaccine Watchers (1880) makes that quite clear. More importantly, governments should provide legislation for the protection of unwitting research subjects, as to provide impartial investigations and enforcement of the criminal code, when there is breach of informed consent. Also any regulatory or government agencies that deny fair review, and with hold medical records, should be held accountable for being complicit in child abuse and breach of the criminal code. The Colleges only protect their members, not the public. Police should have powers serve and protect, rather than be subject to political interference, with unwitting parents having no where to report this hidden child abuse. There is no protection whatsoever, when children are exploited for various Nuremberg Code violations. This has to change. Police, regulatory bodies, Ont Ombudsman's office, Ontario Patient Ombudsman, Children's Aid, Law Society, and various government offices fail to act in good faith, when being complicit in this hidden child abuse and unauthorized human experimentation. I often wonder if there is public support to vote in a Anti-Frankenstein Party, so that we won't have a repeat of history. No one can trust liars and manipulators, that have no conscience on the criminal transgressions that have been secretly imposed, by means of deception and fraud.
5 0 Reply

**Beatrice** → CastleConnell
a day ago
You point out one of the big problems with our authorities, like Congress for example, who lack education in science and biology and only listen to the corrupt fat cat industry scientists for 'guidance'. I've also noticed that the wealthy are some of the most ignorant people on the planet because they believe that as long as they have wealth, they can afford any treatment or medicine or attorney or CPA to fix whatever ails them.
2 0 Reply

**Mayfield**
2 days ago edited
Adding insult to injury pretty well describes it. This was a watershed moment in our lives, when the government used fraud and collusion to cover their crime against my son. I remember really wanting our day in court, and it turned out to be a kangaroo court. One pharma liar after another, and special masters who receive their paycheck from the US Treasury.
6 0 Reply

**Beatrice** → Mayfield
a day ago
I can only imagine your struggles and frustration. Makes me so angry I could scream...literally. I'm so fed up with the systemic corruption caused by individuals that lack a moral compass.

Have you watched the Dark Horse interview between Weinstein and Forrest Mayready on the polio vaccine? What an eye opener.

When my brother received his MMR vaccine back in the late 60's or early 70's, he developed a horrible fever and other symptoms. I remember being in the back of our stationwagon with him and calling to my mom and dad to help him because he wasn't acting right. Thankfully, he recovered but I'll never forget how frightened I was and I wonder if having such a high fever from the vaccine causes permanent damage to the brain and neurological system in such a young child.
2 0 Reply

**diana Mackin** → Beatrice
a day ago
I developed asthma immediately after a mumps vax as a child (I was 11, almost 12), and much later IBS (six years of sheer hell) after an adult DPT 'booster.' I will go find that Dark Horse interview, thank you!
2 0 Reply

**r2bzjudge**
a day ago
Paul Offit book "Deadly Choices: How the Anti-Vaccine Movement Threatens Us All," contending that parents who decided not to vaccinate their children are harming others.

Apparently, there are three studies which determined unvaccinated children were healthier than vaccinated children. As with RFK. Jr, i had few vaccinations. I wasn't harmed by a lack of vaccinations. There weren't mass deaths from experiencing measles, mumps and chicken pox. Natural immunity worked fine for me and all the other kids i knew as a child.

The unvaccinated were attacked during Covid, the propaganda being that i needed to get the shot to protect others. The most vulnerable were the elderly and they had access to the shots first. I didn't know at the time, but Birx knew the shots didn't work, before they were released to the public. Speaking of harming others, the pubic was deceived into taking the ineffective shots, which have left a substantial number of people seriously injured - or dead, despite CDC claims to the contrary.
4 0 Reply

**Donna Sheehan**
a day ago
This is our Representatives in cahoots with corporations at the expense of humanity. They're made exempt from liability for profit. We've never adhered to international law after the Holocaust. There's NO consequences for intentionally falsifying data, intentionally killing 100's of thousands of people it's business. Decades of these practices and nothing has changed.
3 0 Reply

**brbg**
a day ago
If I were having children today I would not allow them ANY vaccines. Our God-given immunity should suffice. Of course I would have to find a way to home school.
4 1 Reply

**Beatrice** → brbg
a day ago
That's why I never had children despite always wanting to. I knew that I would never educate my children in a government school and I would never leave them in daycare. I couldn't afford to stay home.

Now I'm dealing with the same issue regarding pets. If I rescue a pet, I'll have to deal with a vet at some point and vet medicine is as dangerous or worse than human. I don't want to put my pet or myself through that again. This breaks my heart.
0 0 Reply

**r2bzjudge**
a day ago
"The chief special master presiding over the proceedings, the media, Big Pharma and the U.S. Supreme Court opined that a win for the families would risk public confidence in vaccines and threaten to bankrupt the compensation fund."

Uptake on the Covid shot was down to 22% among adults for the latest version, according to the CDC. Most understand the shot is not effective. VAERS also went off the charts with adverse events. With the CDC cover-up of injuries, more people are turning against all vaccination, regardless that it may be a small segment of the population doing so. More people are getting self informed, as a result of the harm caused by the Covid shots.

The Covid shots threaten to bankrupt the compensation fund, so there is an extreme effort by the CDC, to deny that most injuries or deaths are caused by them. This is a replay of the denial of evidence which indicated vaccination can cause autism, which then resulted in denial of compensation for ASD vaccine injury.
2 0 Reply

**Gary Brown**
a day ago
September 5, 2023 Do Vaccines Cause Autism? The Evidence Against Vaccine Safety Part II of a Three-part Series

It is immoral and scientifically dishonest to try to sweep under the rug a more-than-plausible connection between thimerosal in vaccines and the many neurodevelopmental injuries suffered by children during the years when they regularly received dangerously high doses as a matter of routine, and in those unborn children who are still exposed today in utero to the thimerosal-containing combination flu and Td vaccines because women have not been informed of the risks.

https://www.globalresearch....
see more
1 0 Reply

**Stephen Simac**
4 hours ago
During the Disney Measles Mania campaign to pass CA SB 277 revoking parents philosophical and religious exemptions for their schoolchildren, the media were all on board with almost daily stories, know nothing op-eds and letters to the editor, about dangerous antivaxxer parents, measles pandemics, the return of polio, pertussis, etc..even an adoring cameo of a young boy, immune compromised (from cancer treatment) speaking in large public meetings urging passage denying other children's choice to exempt to keep him safe, while no one questioned his father's judgement to bring him into crowds of unvaxxed opponents.This was when the immunocompromised were considered at risk or not benefittedfrom vaccines, rather than ushered to the front of the line for covid inoculations. There was never a media mention of VAERS or VICP, until after the bill was signed into law, when the Marin IJ (a much smaller circulation paper than other majors), ran an AP story that fairly quoted plaintiff's lawyers on how time consuming and almost impossible it was to gain compensation.
0 0 Reply

**Gary Brown**
10 hours ago
April 23, 2024 Childhood Vaccines: Six-month Old Received Five Vaccines and Died Within Hours of Vaccination

Records of that doctor visit show that Liam had a perfectly clean bill of health that day, both physically & developmentally. Then, he was vaccinated.

https://www.globalresearch....
see more
0 0 Reply

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